

311.7711 Effect of court order suspending enforcement -- Application to court concerning constitutionality or injunction -- Severability.

- (1) It is the intent of the General Assembly that a court judgment or order suspending enforcement of any provision of KRS 311.7701 to 311.7711 is not to be regarded as tantamount to repeal of that provision.
- (2)
 - (a) After the issuance of a decision by the Supreme Court of the United States overruling *Roe v. Wade*, 410 U.S. 113 (1973), the issuance of any other court order or judgment restoring, expanding, or clarifying the authority of states to prohibit or regulate abortion entirely or in part, or the effective date of an amendment to the Constitution of the United States restoring, expanding, or clarifying the authority of states to prohibit or regulate abortion entirely or in part, the Attorney General may apply to the pertinent state or federal court for either or both of the following:
 1. A declaration that any one (1) or more sections specified in subsection (1) of this section are constitutional; or
 2. A judgment or order lifting an injunction against the enforcement of any one (1) or more sections specified in subsection (1) of this section.
 - (b) If the Attorney General fails to apply for the relief described in paragraph (a) of this subsection within thirty (30) days of an event described in paragraph (a) of this subsection, any Commonwealth or county attorney may apply to the appropriate state or federal court for such relief.
- (3) If any provision of KRS 311.7701 to 311.7711 is held invalid, or if the application of such provision to any person or circumstance is held invalid, the invalidity of that provision does not affect any other provisions or applications of KRS 311.7701 to 311.7711 that can be given effect without the invalid provision or application, and to this end the provisions of KRS 311.7701 to 311.7711 are severable as provided in KRS 446.090. In particular, it is the intent of the General Assembly that:
 - (a) Any invalidity or potential invalidity of a provision of KRS 311.7701 to 311.7711 is not to impair the immediate and continuing enforceability of the remaining provisions; and
 - (b) The provisions of KRS 311.7701 to 311.7711 are not to have the effect of repealing or limiting any other laws of this state, except as specified by KRS 311.7701 to 311.7711.

Effective: March 15, 2019

History: Created 2019 Ky. Acts ch. 20, sec. 11, effective March 15, 2019.